

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNNY PAGAN,

Plaintiff,

-against-

MORRISANIA NEIGHBORHOOD FAMILY HEALTH
CENTER,

Defendant.

**NOTICE OF MOTION TO
DISMISS THE AMENDED
COMPLAINT**

12 Civ. 9047 (WHP) (MHD)

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Amended Complaint dated August 15, 2013; and upon all papers and proceedings previously had therein, the undersigned will move this Court, before the Honorable William H. Pauley, United States District Judge, at the United States District Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an order pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the complaint in its entirety against defendant Morrisania Neighborhood Family Health Center ("Morrisania"), a facility of the New York City Health and Hospitals Corporation ("HHC"), on the grounds that: (1) plaintiff's claims under the New York State Human Rights Law ("SHRL") and the New York City Human Rights Law ("CHRL") are time-barred, and (2) the amended complaint fails to state a claim for relief that is plausible on its face, and for such other relief as may be just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Scheduling Order dated July 12, 2013, plaintiff's answering papers, if any, shall be served by September 20,

2013, defendant's reply papers shall be served by the undersigned by September 30, 2013, and that the Court will hear oral argument on October 17, 2013. See Docket Entry 20.

Dated: New York, New York
August 15, 2013

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New York, N.Y. 10007

Of Counsel: Leah S. Schmelzer

Tel: (212) 356-2016

Matter #: 2013-005547

Due and timely service is hereby admitted.

New York, N.Y., 201.....

....., Esq.

Attorney for